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Attorneys for Defendants
Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO COURTHOUSE

Jane Doe LS 238.

Plaintiff,

V.

UBER TECHNOLOGIES, INC., a Delaware Corporation; RASIER, LLC, a Delaware Limited Liability Company; RASIER-CA, LLC, a Delaware Limited Liability Company, and DOES 1 through 50, Inclusive,

Defendants.

Case No.: 3:23-cv-04372-SK

**STIPULATION AND [PROPOSED] ORDER
RE: MOTION TO TRANSFER BRIEFING
SCHEDULE, EXTENSION OF TIME FOR
DEFENDANTS TO BRING A MOTION TO
DISMISS, AND CONTINUANCE OF CASE
MANAGEMENT CONFERENCE AND
RELATED DEADLINES**

Complaint Filed:

Trial Date:

August 24, 2023

None

STIPULATION

Pursuant to Civil Local Rule 6-1(a)-(b) and 6-2, Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC (“Defendants”), and Plaintiff Jane Doe LS 238 (“Plaintiff”), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, Plaintiff filed her Complaint on August 24, 2023, and Defendants were served on September 11, 2023;

WHEREAS, pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(i), Defendants' deadline to respond to the Complaint is October 2, 2023;

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1 WHEREAS, the Court ordered the parties to file a Joint Case Management Statement on or before
2 November 20, 2023 and for the parties to appear at a Case Management Conference on November 27,
3 2023 (Doc. No. 6);

4 WHEREAS, counsel for Plaintiff and Defendants are engaged in active litigation with regard to
5 several matters recently filed in the Northern District of California;

6 WHEREAS, Defendants intend to bring a Motion to Transfer Venue and a Motion to Dismiss in
7 the instant matter;

8 WHEREAS, in order to avoid burdening the Court with unnecessary motions, to promote judicial
9 efficiency, and to provide for the orderly resolution of the case, the parties agree that the Court's resolution
10 of Defendants' Motion to Transfer Venue is a threshold issue that should be decided prior to Defendants'
11 Motion to Dismiss;

12 WHEREAS, the parties agree that Defendants shall file a Motion to Transfer Venue on or before
13 January 26, 2024;

14 WHEREAS, the parties agree that good cause exists for a continuance of the deadline to file a
15 Joint Case Management Statement, any related Case Management Conference to be scheduled by the
16 Court, and any related deadlines under the Federal Rules of Civil Procedure or the Civil Local Rules
17 (including any deadlines for ADR compliance) to allow the parties to brief and the Court to rule on
18 Defendants' Motion to Transfer Venue and Motion to Dismiss;

19 WHEREAS, the parties agree that if granted, Defendants' Motion to Transfer Venue would result
20 in the matter being transferred to a different United States District Court, which would moot any deadlines
21 in the instant Court. Additionally, should the Court deny Defendants' Motion to Transfer Venue,
22 Defendants intend to bring a Motion to Dismiss Plaintiff's Complaint, which may fully resolve Plaintiff's
23 claims, if granted. The Court's ruling on Defendants' Motion to Dismiss will affect the parties' discussions
24 regarding the scope of discovery and anticipated timeline to prepare the case for trial, and, as a result, it
25 is premature to set case management deadlines until Defendants' Motion to Transfer Venue and, if
26 necessary, Motion to Dismiss are resolved;

27 WHEREAS, the continuances sought by this stipulation will not adversely impact the schedule for
28 this action.

1 **NOW, THEREFORE**, the parties hereby stipulate and agree, subject to the approval of the Court
2 that:

3 1. Defendants shall file a Motion to Transfer Venue on or before January 26, 2024;
4 2. The deadline for the parties to file a Joint Case Management Statement, currently set for
5 November 20, 2023, and the Initial Case Management Conference, currently set for November 27, 2023,
6 shall be vacated. Should the Court deny Defendants' Motion to Transfer Venue, then within thirty (30)
7 days after the Court issues its ruling, the parties will meet and confer and submit a proposed schedule
8 regarding (1) the briefing schedule for Defendants' Motion to Dismiss, and (2) case management. Any
9 related deadlines under the Federal Rules of Civil Procedure or the Civil Local Rules (including any
10 deadlines for ADR compliance) are hereby stayed pending further order of the Court.

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12 Dated: September 27, 2023

BOWMAN AND BROOKE LLP

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15 By: /s/ Paul A. Alarcon
16 Paul A. Alarcon (SBN: 275036)
17 Samuel Q. Schleier (SBN: 312449)
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19 970 West 190th Street, Suite 700
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21 Tel: (310) 380-6595
22 Attorneys for Uber Technologies, Inc.
23 and Rasier, LLC

24
25 Dated: September 27, 2023

LEVIN SIMES LLP

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28 By: /s/ William A. Levin
29 William A. Levin (SBN 98592)
30 Laurel L. Simes (SBN 134637)
31 David M. Grimes (SBN 324292)
32 1700 Montgomery Street, Suite 250
33 San Francisco, California 94111
34 Tel: (415) 426-3000
35 Attorneys for Plaintiff

1 **[PROPOSED] ORDER**

2 Pursuant to the Parties' stipulation, the Court hereby orders as follows:

- 3 1. Defendants shall file a Motion to Transfer Venue on or before January 26, 2024;
- 4 2. The deadline for the parties to file a Joint Case Management Statement, currently set for
5 November 20, 2023, and the Initial Case Management Conference, currently set for November 27, 2023,
6 are vacated. Should the Court deny Defendants' Motion to Transfer Venue, then within thirty (30) days
7 after the Court issues its ruling, the parties will meet and confer and submit a proposed schedule regarding
8 (1) the briefing schedule for Defendants' Motion to Dismiss, and (2) case management. Any related
9 deadlines under the Federal Rules of Civil Procedure or the Civil Local Rules (including any deadlines
10 for ADR compliance) are hereby stayed pending further order of the Court.

11 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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13 Dated: _____

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15 Honorable Sallie Kim
16 United States Magistrate Judge
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1 **FILER'S ATTESTATION**

2 I, Paul A. Alarcon, am the ECF User whose identification and password are being used to file the
3 foregoing **STIPULATION AND [PROPOSED] ORDER RE: MOTION TO TRANSFER**
4 **BRIEFING SCHEDULE, EXTENSION OF TIME FOR DEFENDANTS TO BRING A MOTION**
5 **TO DISMISS, AND CONTINUANCE OF CASE MANAGEMENT CONFERENCE AND**
6 **RELATED DEADLINES.** Pursuant to L.R. 5-1(h)(3) regarding signatures, I attest that concurrence in
7 the filing of this document has been obtained.

8
9 Dated: September 27, 2023

BOWMAN AND BROOKE LLP

12 By: /s/ Paul A. Alarcon
13 Paul A. Alarcon

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CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2023, I electronically transmitted the foregoing **STIPULATION AND [PROPOSED] ORDER RE: MOTION TO TRANSFER BRIEFING SCHEDULE, EXTENSION OF TIME FOR DEFENDANTS TO BRING A MOTION TO DISMISS, AND CONTINUANCE OF CASE MANAGEMENT CONFERENCE AND RELATED DEADLINES** to the Clerk's Office using the CM/ECF System for filing thereby transmitting a Notice of *Electronic Filing* to all CM/ECF registrants.

/s/ Louisa Beck

Louisa Beck